HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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Writ Petition No. 30024 of 1997

Between

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D.Ghouse Peera and another ..Petitioners

AND

A.P. State Road Transport Corporation represented by its Managing Director and others ..Respondents

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:: JUDGMENT ::

11.4.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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Writ Petition No. 30024 of 1997

The present writ petition has been filed seeking a declaration that action of the respondent Corporation in issuing a notification dated 7.10.1997 for filling the vacancies of Junior Assistants without exhausting the select list of candidates for the said post as illegal. Both the writ petitioners have joined the service of the respondent Corporation as Conductors on 28.4.1978 and that while they were working as Conductors, Grade I, the Corporation had called for selection process for filling up the various posts of Junior Assistants which are liable to be filled in both by the method of direct recruitment as well as by way of promotion of the departmental candidates. In the zone of consideration of eligible candidates, the writ petitioners figure and consequently, they were also subjected to selection process. Based upon their performance at the written test that was conducted on 17.6.1990, both the writ petitioners have been declared to have passed and qualified thereat and consequently, they were subjected to further process of selection viz., oral interview held in between 18.6.1991 and 20.6.1991. Since the writ petitioners have not been informed of their selection and when the respondent Corporation has undertaken another round of selection process on 7.10.1997, the present writ petition has been instituted.

The Corporation has filed its counter affidavit pointing out that the selections have been carried out by a Committee constituted which has arranged the names of qualified candidates in the order of their seniority and in that process, the names of the writ petitioners have been included at serial Nos.12 and 13 whereas the Corporation had needed to promote only 9 candidates, and hence, both the writ petitioners could not get promoted.

Sri P.Vinayaka Swamy, learned Standing Counsel for the respondent Corporation had also produced the relevant records today. From the record, it is clear that the cases of the writ petitioners have been considered and they have been included in the merit list at serial Nos.12 and 13, but unfortunately, the selections have got to be confined only upto senior most 9 candidates and in that process, the writ petitioners did not get their chances materialized for further promotion. I therefore see no illegality or infirmity in the selections undertaken by the respondent Corporation pursuant to the notification issued in June, 1990.

But however, the learned Standing Counsel has brought to my notice that the first writ petitioner had been selected and was promoted on 28.4.1998 and that he joined the promoted post also on 2.5.1998 and that unfortunately, he had expired while in service also. The second writ petitioner appears to have participated in the next round of selections and in fact his name is figuring at serial No.1 of the merit list and as and when the same is approved for undertaking further promotions, his turn for promotion would also fructify.

Hence, I do not find any merit in the writ petition and it is

accordingly, dismissed, but however, without costs.

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NOOTY RAMA MOHANA RAO.J.

11.4.2007
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